

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

JOHN DOES 1 THROUGH 7,

Judgment Creditors,

v.

THE TALIBAN, AL-QAEDA,
AND THE HAQQANI NETWORK,

Judgment Debtors.

Case No. 3:20-mc-00206-FDW-DCK

**STIPULATION AND [PROPOSED]
ORDER VACATING WRIT OF
EXECUTION WITH RESPECT TO
PROPERTY OF VTB BANK PJSC
SHANGHAI BRANCH**

X

WHEREAS, Garnishee Bank of America, N.A. (“BANA”) maintains certain accounts blocked pursuant to the Russian Foreign Activities Sanctions Regulations issued by the U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”);

WHEREAS, certain judgment creditors known by the pseudonyms John Does 1 through 7 (the “Does”), are victims of acts of terrorism allegedly committed by the Taliban, Al-Qaeda, and the Haqqani Network, and obtained a writ of execution from the Western District of North Carolina (“WDNC”) with respect to two blocked accounts that records produced by BANA indicated were both blocked based on the interest of VTB Bank (Europe) SE (“VTB Europe”) pursuant to Section 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. § 1610 note (“TRIA”), *see* ECF No. 16;

WHEREAS, the two blocked accounts initially targeted by the writ are: (1) Blocked Account No. [REDACTED] 4158, which contains the blocked proceeds of Account No. [REDACTED] 6801 that BANA did in fact hold in the name of VTB Europe (the “VTB Europe Account”); and (2) Blocked Account No. [REDACTED] 4161, which contains the blocked

proceeds of Account No. [REDACTED]0294 that BANA actually held in the name of VTB Bank PJSC Shanghai Branch (the “VTB Shanghai Account”), and not VTB Europe;

WHEREAS, the U.S. Marshal served the Writ of Execution on BANA on March 29, 2023, and Does provided notice to VTB Europe on April 3, 2023, and filed a Motion for Release of Funds on April 27, 2023 seeking only turnover of assets held in the VTB Europe Account, *see* ECF No. 20;

WHEREAS, the Motion for Release of Funds against BANA does not seek turnover of assets in the VTB Shanghai Account;

WHEREAS, the Does did not intend to attach, and do not plan to pursue turnover of, the assets in the VTB Shanghai Account;

NOW, THEREFORE, IT IS STIPULATED AND AGREED that:

1. The Writ of Execution served on BANA by Plaintiffs is limited solely to the VTB Europe Account and, as so limited, shall remain in effect pending resolution of Plaintiffs’ Motion for Release of Funds; and

2. All writs of execution, notices of pending action, restraining notices and other judgment creditor process of any kind served on, or delivered to BANA by Plaintiffs with respect to the VTB Shanghai Account are hereby withdrawn, vacated and shall be deemed null and void.

[Signatures on following page]

Dated: June 13, 2023

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SO-ORDERED:
